

HOUSE BILL 3990

By DuBois

AN ACT to amend Tennessee Code Annotated, Title 17, Chapter 4, Part 1, relative to the composition and role of the judicial selection commission, and role of the governor and legislature in the selection of judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 17-4-101, is amended by deleting subsection (b).

SECTION 2. Tennessee Code Annotated, Section 17-4-102, is amended by deleting the section in its entirety and by substituting instead the following:

§ 17-4-102.

(a) There is established as a part of the judicial branch of the state a judicial selection commission to be comprised of nineteen (19) members as follows:

- (1) Four (4) attorneys from each grand division of Tennessee;
- (2) One (1) retired judge from each grand division of Tennessee;
- (3) One (1) member who is not a lawyer from each grand division; and
- (4) One (1) law school dean from a Tennessee law school recognized by

the Tennessee supreme court.

(b)

(1) The speaker of the senate shall appoint eight (8) members to the commission, including six (6) attorney members, one (1) retired judge, and one (1) non-lawyer member.

(2) The speaker of the house of representatives shall appoint eight (8) members to the commission, including six (6) attorney members, one (1) retired judge, and one (1) non-lawyer member.

(3) Jointly, the speakers shall appoint one (1) retired judge member, one (1) non-lawyer member, and the one (1) law school dean member.

(c) Each subsequent appointment to the judicial selection commission shall be made in the same manner as prescribed by subsection (b), but shall be subject to the requirements set forth in § 17-4-106.

SECTION 3: Tennessee Code Annotated, Section 17-4-106, is amended by deleting the section in its entirety and by substituting instead the following:

§ 17-4-106.

(a) Each member of the commission shall serve a term of four (4) years.

(b) No member of the commission is eligible for reappointment.

SECTION 4. Tennessee Code Annotated, Section 17-4-109, is amended by deleting subsection (e) and substituting instead the following:

(e) As soon as practicable and not later than sixty (60) days from receipt of written notice from the governor that a vacancy has occurred, the commission shall submit to the governor a list containing the names of each applicant for the judicial vacancy and state next to the name of the applicant whether that applicant is "qualified" or "not qualified" for the judicial vacancy based on the commission's review of each applicants qualifications for the vacant judicial position.

SECTION 5. Tennessee Code Annotated, Section 17-4-112, is amended by deleting subsection (a) and substituting instead the following:

(a) When a vacancy occurs in the office of an appellate court for any reason, the governor shall fill the vacancy by nominating one (1) person from the list of applicants for the vacant judicial position and submitting the nominee's name to the state senate. The governor shall review the written list of applicants from the judicial selection commission which shall contain the commissions' ratings of each applicant as provided in § 17-4-

109(e) prior to making a nomination, but shall have the right to select any applicant and submit the applicant's name to the senate for confirmation. The senate shall promptly vote on the governor's nominee and the nominee must be approved by a majority vote. In the event the governor's first nominee is not affirmed by the senate, the governor shall select a new nominee from the list of applicants who applied for the vacancy and the senate shall promptly vote on the governor's second nominee who must be approved by a majority vote. The governor shall have the right to submit nominees for the judicial vacancy to the senate for confirmation until such time as a nominee receives a majority vote.

SECTION 6. Sections 1, 2 and 3 of this act shall take effect September 1, 2008, the public welfare requiring it, and the terms of the current membership of the judicial selection commission shall expire at such time. All remaining provisions of this act shall take effect upon becoming a law, the public welfare requiring it.